

**REMARKS/ARGUMENTS**

This amendment is submitted in response to the Office Action dated March 24, 2006. The three-month shortened statutory response period fell on a Saturday, June 24, 2006, therefore, according to 37 CFR 1.7, the Applicant was allowed to timely submit this response on June 26, 2006, the first business day after the Saturday response date. After entry of this amendment, claims 1, 2, 4, 8-15 and 18-19 will be pending in the Application. Claims 16 and 17 have been cancelled through this response, while Claims 1,4 and 8 have been amended. Reconsideration and allowance is respectfully requested in view of the remarks made below.

**1. The Rejections under 35 U.S.C. § 112(b)**

Claims 1,2,4 and 8-19 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to distinctly claim the subject matter of the invention. Specifically, the examiner questioned the language of claim 1 referring to "...each respective transverse flange slopes..." Applicant refers the examiner to Figure 1, where it is seen that the scissors of the present invention are presented in a side view, comprising the two scissor elements 20 and 120 pivoted together at 15. The transverse flanges that are claimed in Claim 1 are shown respectively as elements 34 and 134 in Figure 1 and each of these elements is actually perpendicular to the plane of the paper, one flange going into the paper and the other coming out of the plane of the paper. In the top view of Figure 3, both flanges are seen in relation to each other. Thus, it is easy to understand the particular claim language when one realizes that each scissor element is shaped like the letter "L", where the respective transverse flange represents the short leg of the letter "L". The tall leg of the letter "L" on each scissor element was not identified by a respective element number in the specification, being only identified as the portion of the scissors element between a leading edge (26 or 126) and a trailing edge (28

or 128.) When looking at Figure 3, which is a top view of the assembled scissors, it will look as if both of the transverse flanges are side-by-side each other, but in reality they are not because they are not in the same plane. In Figure 3, the transverse flange 134 on the right scissors element 120 is at the bottom of that scissors element ( a lower plane), while the transverse flange 34 on the left scissors element 20 is at the top of the element. If one looked at the assembled scissors from the common front tips of the scissors elements, (like looking down into the barrel of a gun) the left scissors element as shown in Figure 3, would look like the “seven” while the right scissors element as shown in Figure 3 would look like an “L”. The transverse flange 34 has notches, while transverse flange 134 has teeth. As mentioned on page 7, lines 1-5 of the written specification, the right scissors element 134 of Figure 3 is again shown in Figure 5A, but flipped upside down. In figure 5A, the transverse flange 134 (and hence teeth) would be projecting out of the plane of the paper. This figure emphasizes how the flange slopes, where it is seen in the figure to slant in a downward fashion, from left to right with respect to the X axis. Thus, the claim language of Claim 1 does in fact support that the structure of each scissor element has a transversely disposed flange that slopes between the tip and handle ends. In view of the above explanation, the Applicant believes the Section 112 rejection should be withdrawn.

Claims 4 and 8 were amended to correctly depend from existing claim 1 instead of a deleted claim. Therefore, Applicant believes the Section 112 rejection concerning those claims has been overcome and all dependent claims should now be in a condition for allowance.

## **2. The Claim Rejections under 35 U.S.C. § 103(a)**

Claims 1,2,4 and 8-19 were rejected as being obvious in light of Maledon (U.S. Pat. No. 4,449,300) in view of Frank (U.S. Pat. No. 5,758,422). Maledon was said to disclose the

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invention as substantially as claimed except that Maledon lacked any details of the orientation of the respective shearing faces. The examiner stated that the Frank patent was said to teach replaceable blades of various toothed designs, where the faces of each tooth are curved in relation to a curve around the axis of the pivot of the scissors, as explained in Column 4, lines 19-34. The examiner also stated that Frank alternatively taught that undercuts could be provided in the faces of each tooth to accomplish the same results. The examiner held the position that one in the art would understand the undercuts to be angularly planar or curvilinear or a combination of both so long as the undercut configurations accounted for the pivoting aspects of the scissor blades.

In response to that rejection, the Applicant amended independent Claim 1 and it is now believed that Claim 1 stands in an allowable condition and for the reason of claim dependency, it is believed that all of the pending dependent claims are allowable too. The claim 1 language now sets forth additional details about the transverse flange and the orientation of the teeth shearing faces which impart structural and functional differences that are not obvious in view of the cited prior art as supported by the following arguments.

First, for a rejection to be properly proposed under Section 103, the differences between the subject matter sought to be patented and the prior art must be such that that subject matter as a whole would have been obvious at the time the invention was made to one skilled in the art. This necessarily means that a person having the cited references before him, who was not cognizant of Applicant's disclosure, would not be informed that the problems solved by the Applicant ever even existed. It is Applicant's contention that the examiner is using the benefit of Applicant's disclosure and hence, hindsight, to say that the cited references teach of the problem solved by the Applicant. As required in MPEP 706.02(j), there must be some

suggestion or motivation either in the references themselves or in the knowledge generally available to one in the art to modify the reference(s) or to combine reference teachings as stated. Secondly, there must be a reasonable expectation of success and finally, the reference(s) must teach or suggest All of the claim limitations.

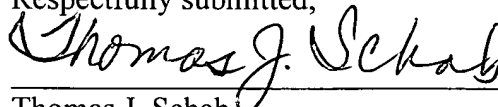
As the Examiner stated, there is no suggestions or motivations provided within the Maledon disclosure regarding how the shearing faces are to be oriented. The Examiner also stated that the Frank reference teaches that the faces of the cutting teeth are to be curved or substantially undercut. It is clear that the Applicant's disclosure teaches away from undercut and curved shearing faces as neither were discussed in the written specification, especially undercutting, as that method involves a cutting away or a removal of material from an underside of an object so as to leave an overhang portion in relief. Applicant's disclosure does not mention or claim that removal of any material on the teeth shearing faces is desired because the Applicant is not attempting to accomplish a linear cutting ridge or cutting line as desired in Frank (Col. 3, line 30). Rather, the Applicant's cutting teeth are fully faced shearing planes with no undercuts that are designed to frictionally engage against complementary faces of the notches of the other scissor element. Thus, a person having the benefit of the Maledon and Frank references in front of him at the time of the Applicant's invention was made, would not be left with the suggestion of providing the cutting teeth with an angular orientation whereby the angle of each and every tooth changes from one end of the blade to the other. With the amended Claim 1, that feature is now clearly set forth where it is claimed that the Applicant's teeth are provided with shearing faces that have an increasing larger angular orientation as one moves from the scissors tips towards the handles. In contrast, the cited references, alone or in combination, nor any of the cited patents said to be pertinent art, teach

or suggest some motivation for wanting to continuously change the orientation of the shearing faces of the teeth along the length of the scissor blades. It is Applicant's contention that only with the help of the Applicant's disclosure and with hindsight from its teachings can the Examiner say that such claimed orientation is obvious to those in the art.

As set forth in Claim 1, the transverse flanges on each scissor element are sloping members which necessarily correspond with a change in the orientation of the Applicant's shearing faces such that the angular displacement varies not only between adjacent short and tall teeth, but also between the sets of short and tall teeth along the flange. The angular displacement near the tip will be smaller than that at handle-end of the flange and likewise, since the surfaces that define the notches in the second scissors element are complementary to the shearing surfaces of the teeth (See page 7, line 10 of the written specification), it necessarily follows that those surfaces will also have varying angular displacements as one moves from that element's tip end towards the handle end. That feature is not set forth in the claims as the Applicant has a right to claim as broadly as possible while overcoming the art. The varying angular displacements of the teeth and hence, teeth sets, creates unique cutting surfaces that achieve an end hair styling result unlike any of the presently known styling scissors.

### **3. Conclusion**

Applicant has amended the application to place it in a condition of allowance. For the above reasons, the subject matter of the claimed invention is not obvious in view of the cited art.

Respectfully submitted,  
  
Thomas J. Schab  
Reg. No. 35,908

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Law Office of Thomas J. Schab  
247 Ruth St.  
Calumet City, IL 60409  
708-420-1971 708-891-0415 fax